



Policy as related to Priority of System Services

As approved by the CSS WFNY Board: Structure Committee July 21, 2009; amended July 20, 2010.

Policy: Effective July 1, 2010, the following Priority of System Services policy is in effect for all Career Centers in the Local Chemung Schuyler Steuben Workforce Investment Area (LWIA.) The policy outlines the priority with which the LWIA system resources are expended in support of its mission. Priority of service applies to any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by the USDOL funds. The local system envisions the following priority categories with Low-income Veterans receiving first priority followed by, Low-Income individuals receiving second priority, thirdly the balance of the Veterans, then Most in Need, and ending with Limited Need as the lowest ranked priority segment. This Priority of System Services policy applies as follows: Veterans priority is always in effect for federal funds; the Jobs for Veterans Act (JVA) created a priority of service requirement for covered persons in qualified USDOL job training programs. The intent of this policy is to be in compliance with various Federal and State laws, regulations, technical advisories, etc. and as they may be rescinded, updated, clarified or defined now or in the future. For normal, formula allocations of WIA funds, the policy becomes effective when the CSS WFNY Board declares the LWIA to have "limited funds". Under the ARRA legislation, "*Priority use of WIA Adult formula funds under the Recovery Act must be for services to recipients of public assistance and other low income individuals as described in WIA section 134(d)(4)(E)*".

Procedural Specifics:

Priority of service means that a covered person shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided. Priority in the context of providing priority of service to veterans and other covered persons means the right to take precedence over non-covered persons in obtaining services. Taking precedence may mean; (1) the covered person receives access to the service or resource earlier in time than the non-covered person, or (2) if the service or resource is limited, the covered person receives access to the service or resource instead of or before the non-covered person.

Veterans - A veteran or eligible spouse of a veteran will be given priority over non-covered persons for all system services.

Definitions:

Veteran - a veteran is defined as "a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable." This is essentially the same as the WIA definition found in WIA Law at Section 101(49). Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes. This definition to be applied for the purposes of the priority differs from and is broader than the definition of "eligible veteran," which is applied under Veterans and Wagner-Peyser grant programs.

Eligible Spouse - Under Title 38, United States Code Section 4215(a), the term "eligible spouse" means –

- (A) the spouse of any person who died of a service-connected disability;
- (B) the spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than ninety days:
 - (i) missing in action,
 - (ii) captured in line of duty by a hostile force, or
 - (iii) forcibly detained or interned in line of duty by a foreign government or power; or
- (C) the spouse of any person who has a total disability permanent in nature resulting from a service-connected disability; or
- (D) the spouse of a veteran who died while a disability so evaluated was in existence.

For "A" and "D" above, the re-marriage of the spouse would not terminate their eligibility. However, if a spouse becomes divorced from a veteran under "B" and "C" above, eligibility for priority of service is terminated. This policy does not exclude from eligibility spouses who were not citizens at the time that the veteran was discharged or retired, nor does it stipulate that a spouse had to be married to a veteran at the time of his or her discharge or retirement.

The final regulations surrounding the Jobs for Veterans Act (JVA) which created the priority of service requirement for covered persons under its authority specifically states that all program activities (including those obtained through Requests for Proposals (RFP), solicitation for grant awards, sub-grants, contracts, sub-contracts, and Memoranda of Understanding) issued or executed by qualified job training program operators, must be administered in compliance with this priority of service.

Application of Priority of Service for Veterans and Eligible Spouses

Three categories of qualified job training programs affect the application of priority of service for Veterans: universal access, discretionary targeting, and statutory targeting.

1. Universal Access Programs – these programs operate or deliver services to the public as a whole; they do not target specific groups. These programs are required to provide priority of service to covered persons. Examples locally would be Resource Room usage, workshop attendance, self-services, staff assisted services, etc.
2. Discretionary Targeting Programs – these programs focus on a particular group, or make efforts to provide a certain level of service to such a group, but do not specifically mandate that the favored group be served before other eligible individuals. Covered persons must receive the highest priority for the program or service, and non-covered persons within the discretionary targeting will receive priority over non-covered persons outside the discretionary targeting. For example, this would apply to Dislocated Worker funding within the system structure.
3. Statutory Targeting Programs – these programs are derived from a Federal statutory mandate that requires a priority or preference for a particular group of individuals. Covered persons who meet the mandatory priorities must receive the highest priority for the program or service. Non-covered persons within the program's mandatory priority must receive priority for the program or service over the covered persons outside the program-specific mandatory priority. Covered persons outside the program-specific mandatory priority must receive priority for the program or service over non-covered persons outside the program-specific mandatory priority.

- a. American Recovery and Reinvestment Act of 2009 (The Recovery Act) – Guidance as found in USDOL/ETA TEGL No. 14-08 mandates priority use of WIA Adult formula funds, contained within its jurisdiction, for services to recipients of public assistance and other low-income individuals. Importantly, this statutory targeting of WIA Adult Recovery Act funds places priority of service for non-veteran recipients of public assistance or non-veteran low income individuals before veterans who are not classified as recipients of public assistance or low-income.

Most in Need -

- Includes adult (18 years and older) recipients of public assistance.
- Individuals who meet the WIA section 0101 (25)
- Dislocated Workers or TAA/TRA
- Individuals who work less than 30 hours per week (in any one job) in jobs that do not afford “economic self-sufficiency” as defined by the local board.
- Individuals who possess a certificate, license, or two-year degree, which is more than five years old in the area on the “Local Demand Occupation List”.
- Individuals who have limited/no work experience in the area on the “Local Demand Occupation List.”

Limited Need –

- An individual qualifies for assistance under the WIA Title 1 Adult funding and possesses a Bachelor’s, Masters, or PhD Degree in an area of the “local Demand Occupation list” that is more than five (5) years old.
- Possesses a degree that is not in the area on the “local Demand Occupation list.”
- Individuals who work more than 30 hours per week (in any one job), and are actively participating in job search activities, and/or in jobs that do not afford “economic self sufficiency” as defined by the local board.

Procedure

Priority of Service has five stages through which it progresses:

1. Low-income Veterans and eligible spouses;
 - a. Sub-selection criteria –
 - i. Start date of requested training program, then
 - ii. Reverse educational level attainment;
 1. No formal level of education completed
 2. Individual Educational Plan as designed by a Committee of Special Education (CSE) or the equivalent body
 3. High School Diploma/GED
 4. Vocational program or Certificate Course
 5. Associate Degree
 6. Bachelor Degree (following the same criteria as “Limited Need”)
 7. Master Degree (following the same criteria as “Limited Need”)
 8. Doctoral Degree (following the same criteria as “Limited Need”)

- iii. Date of submission of complete packet.
- 2. Low-income non-Veteran and eligible spouses;
 - a. Sub-selection criteria –
 - i. Start date of requested training program, then
 - ii. Reverse educational level attainment;
 - 1. No formal level of education completed
 - 2. Individual Educational Plan as designed by a Committee of Special Education (CSE) or the equivalent body
 - 3. High School Diploma/GED
 - 4. Vocational program or Certificate Course
 - 5. Associate Degree
 - 6. Bachelor Degree (following the same criteria as “Limited Need”)
 - 7. Master Degree (following the same criteria as “Limited Need”)
 - 8. Doctoral Degree (following the same criteria as “Limited Need”)
 - iii. Date of submission of complete packet.
- 3. Veteran and eligible spouses;
 - a. Sub-selection criteria –
 - i. Start date of requested training program, then
 - ii. Reverse educational level attainment;
 - 1. No formal level of education completed
 - 2. Individual Educational Plan as designed by a Committee of Special Education (CSE) or the equivalent body
 - 3. High School Diploma/GED
 - 4. Vocational program or Certificate Course
 - 5. Associate Degree
 - 6. Bachelor Degree (following the same criteria as “Limited Need”)
 - 7. Master Degree (following the same criteria as “Limited Need”)
 - 8. Doctoral Degree (following the same criteria as “Limited Need”)
 - iii. Date of submission of complete packet.
- 4. Most in Need (as defined above);
 - a. Sub-selection criteria –
 - i. Start date of requested training program, then
 - ii. Reverse educational level attainment;
 - 1. No formal level of education completed
 - 2. Individual Educational Plan as designed by a Committee of Special Education (CSE) or the equivalent body
 - 3. High School Diploma/GED
 - 4. Vocational program or Certificate Course
 - 5. Associate Degree
 - 6. Bachelor Degree (following the same criteria as “Limited Need”)
 - 7. Master Degree (following the same criteria as “Limited Need”)
 - 8. Doctoral Degree (following the same criteria as “Limited Need”)

- iii. Date of submission of complete packet.
- 5. Limited Need (as defined above.)
 - a. Sub-selection criteria –
 - i. Start date of requested training program, then
 - ii. Reverse educational level attainment;
 - 1. No formal level of education completed
 - 2. Individual Educational Plan as designed by a Committee of Special Education (CSE) or the equivalent body
 - 3. High School Diploma/GED
 - 4. Vocational program or Certificate Course
 - 5. Associate Degree
 - 6. Bachelor Degree
 - 7. Master Degree
 - 8. Doctoral Degree
 - iii. Date of submission of complete packet.